

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
Harrisonburg**

RLI INSURANCE COMPANY,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 5:18cv00066-MFU-JCH
)	
NEXUS SERVICES, INC.,)	
LIBRE BY NEXUS, INC.,)	
HOMES BY NEXUS, INC.,)	
)	
Defendants.)	
_____)	

**OPPOSITION TO DEFENDANTS’ ‘MOTION FOR LEAVE TO FILE LATE
RESPONSE TO MOTION TO INCREASE SANCTIONS.’**

Defendants do not obey court orders. They do not follow court rules. They flout this Court’s authority. Yet again, Plaintiff RLI Insurance Company (“RLI”) requests this Court force compliance with its orders and rules and grant RLI’s Motion to Increase Sanctions (Docket No. 806-807).

On November 3, 2022, RLI moved to increase the sanctions against Defendants and against certain third-parties because they had made no efforts to comply with this Court’s sanction order dated July 8, 2022. (Docket No. 806, 807). Under the local rules, any response would have been due on November 17, 2022. No response was filed. Instead, Defendants filed a Motion for Extension of Time to file a response after the deadline had already passed on November 22, 2022. (Docket No. 810). This Court was forgiving enough to grant that motion and order specifically that “[a]ny response to the motion to increase sanctions, ECF No. 806,

shall be filed no later than November 28, 2022.” (Docket No. 811). Nothing was filed by that date.

Instead, Defendants filed their purported “Motion for Leave to File Late Response to Motion to Increase Sanctions” on December 7, 2022. (Docket No 813). This “motion” offers no attempt to explain its tardiness and non-compliance with the Court’s prior order. That should be of little surprise since Defendants have a long history of not following this Court’s orders.

Rather than seeking to explain its late filing, Defendants offer paper-thin arguments as to why additional sanctions are not warranted. The filing makes no coherent argument for why additional sanctions are not necessary nor does it explain when the Court should expect compliance with its previous sanctions order if additional steps are not taken. It offers no explanation of any efforts Nexus has made since Judge Urbanski’s July 8, 2022’s order, to comply with that order. Instead, it offers unevidenced and unsupported platitudes about its financial state. Notably, there are no affidavits attached nor any proof of any of the assertions.

RLI requests the Court strike the untimely filing by Defendants at Docket No. 813 and award the relief sought in Docket Nos. 806 and 807.

Dated: December 23, 2022.

RLI INSURANCE COMPANY

/s/ Dustin M. Paul

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